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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,871	09/29/2003	Deborah L. King	DLK1	1535

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EXAMINER	
TWEEL JR, JOHN ALEXANDER	
ART UNIT	**PAPER NUMBER**
2636	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/672,871	KING, DEBORAH L.	
	Examiner	Art Unit	
	John A. Tweel, Jr.	2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 3-5, 9, 11, 13, 14, 17, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Castellon et al** [U.S. 5,714,932] in view of **Haner** [U.S. 6,396,403].

For claim 1, the alert and tracking assembly taught by **Castellon** includes the following claimed subject matter, as noted, 1) the claimed receiver is met by both the central control unit (No. 10) and the portable search and locate unit (No. 70) having a portable housing, both units having a front and back, a microprocessor (No. 111) to process information, a means (No. 26) to input information, a means (No. 16) to output information, a scanner (antennae 14a-14d and RF orientation detector No. 110) connected to the processor, and a power source (AC power plug for central unit, battery 414 for the hand-held unit), 2) the claimed transmitter is met by the portable transmitter (Fig. 8) that continuously emits a radio signal at a predetermined frequency, and 3) the claimed means to secure the transmitter is met by the band (No. 514) with lockable latch (No. 516), the receiver displays the relative location (No. 20) of the transmitter

defined by the distance (No. 21) between the transmitter and receiver. However, the receiver uses only short range scanning to locate the transmitter, not long range scanning.

The child monitoring system taught by **Haner** includes a combination bracelet and camera transmitting assembly in conjunction with a receiver for tracking and providing audible and visual contact with a child. In one embodiment of the invention microminiaturized GPS technology is used which gives latitude/longitude readouts for child location. Heretofore, signal strength monitors have been used, but have suffered signal interferences that mislead or become distorted to aid in a parent finding the actual location of a child. This inclusion of GPS serves to insure that the child can be found no matter where in the world they may be located.

The primary reference would benefit greatly from an improvement wherein the child is always in range of the receiver, whether in short or long range. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a long-range scanner such as GPS in the system of Castellon for the purpose of insuring the location of a child is found.

For claim 3, the scanner of Castellon receives the signal directly from the transmitter, the scanner of Haner receives signals from an earth orbiting satellite.

For claim 4, the processing means of Castellon accepts information from the keypad and orientation detector, processes the information, and displays the information on the screen (No. 16).

For claim 5, the central control unit stores information regarding a plurality of transmitters using a unique unit binary code.

For claim 9, each transmitter of Castellon has a unique code with a broadcast signal.

For claim 11, the parental alert and child tracking assembly taught by **Castellon** includes the following claimed subject matter, as noted, 1) the claimed receiver is met by both the central control unit (No. 10) and the portable search and locate unit (No. 70) having a portable housing, both units having a front and back, a microprocessor (No. 111) to process information, a means (No. 26) to input information, a means (No. 16) to output information, a scanner (antennae 14a-14d and RF orientation detector No. 110) connected to the processor, and a power source (AC power plug for central unit, battery 414 for the hand-held unit), 2) the claimed transmitter is met by the portable transmitter (Fig. 8) that continuously emits a radio signal at a predetermined frequency, and 3) the claimed means to secure the transmitter is met by the band (No. 514) with lockable latch (No. 516), the assembly displays the location of the transmitter upon the transmitter exceeding a certain distance from the receiver. However, the receiver uses only short range scanning to locate the transmitter, not long range scanning.

The claim is interpreted and rejected for the same reasons and rationale as is mentioned in the rejection of claim 1 above.

For claim 13, the processing means of Castellon accepts information from the keypad and orientation detector, processes the information, and displays the information on the screen (No. 16).

For claim 14, the central control unit stores information regarding a plurality of transmitters using a unique unit binary code.

For claim 17, the scanner of Castellon receives the signal directly from the transmitter, the scanner of Haner receives signals from an earth orbiting satellite.

For claim 18, each transmitter of Castellon has a unique code in the broadcast signal.

For claim 20, the method of tracking one or more objects taught by **Castellon** includes the following claimed steps, as noted, 1) the claimed inserting a transmitter in a pouch is achieved using the waterproof bracelet mentioned in the specification, which can be considered a type of "pouch", 2) the claimed placing the pouch on an object is achieved using the bracelet with a lockable latch (No. 516), 3) the claimed entering information about the object into a receiver is achieved using the central control unit which stores names and bracelet numbers in memory, 4) the claimed activating a receiver is achieved using the power switch of both the central and portable locator units which receive a unique unit binary code, 5) the claimed selecting the mode of operation is achieved using the central control unit that has a plurality of modes (Col. 14, Lns. 1-12), and 6) the claimed displaying information about the identity and location of the object is achieved using the display (No. 16) that has a distance calculation (No. 21). However, the receiver uses only short range scanning to locate the transmitter, not long range scanning.

The claim is interpreted and rejected for the same reasons and rationale as is mentioned in the rejection of claim 1 above.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Castellon** in view of **Haner** as applied to claim 1 above, and further in view of **Giel et al** [U.S. 5,881,377].

For claim 2, the keypad of **Castellon** includes keys corresponding to the alphabet and numbers, as well as scroll buttons to activate different modes of operation of the scanner. However, there is no mention of a removable cover on the receiver.

Removable covers are as common and well known as flip-open cell phones having a hinged cover. One such device is taught by **Giel** wherein a cover (No. 104) is provided for the keypad. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a keypad cover for the purpose of using a well known and common communication tool.

4. Claims 6-8, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Castellon et al** in view of **Haner** as applied to claims 5 and 14 above, and further in view of **Mohr** [U.S. 6,127,931].

For claim 6, the assembly of Castellon includes a display for presenting information, an alarm light for notifying people throughout a building, a speaker (No. 22) that sounds when the strength of the signal falls below a threshold, and a port (No. 272). However, there is no mention of a homing light or an actuator that vibrates in cooperation with the alarm light.

The device for monitoring the movement of a person taught by Mohr includes a homing device that illuminates in the direction and proximity of a monitored child. It also includes a vibratory alarm (No. 40) that activates when the visual alarms (No. 26) are also activated. This provides a device for monitoring the movement of a person that is able to indicate a direction and distance of the person being monitored. It also provides evidence that vibratory alarms have been used in conjunction with visual and audible alarms to notify the caretaker.

As the primary reference pertains to similar subject matter as the Mohr reference, it would have been obvious to one of ordinary skill in the art to provide a homing signal and vibratory alarm for the purpose of using the signal to definitely locate a child and insuring the caretaker of being notified of the alert signal.

For claim 7, the port of the central control unit of Castellon is designed to work with the port of the hand-held receiver of the same reference.

For claim 8, cables are commonly used to connect two ports. The use of one to connect two ports is not considered a patentable innovation.

For claim 15, the claim is interpreted and rejected for the same reasons and rationale as is mentioned in the rejection of claim 6 above.

For claim 16, cables are commonly used to connect two ports. The use of one to connect two ports is not considered a patentable innovation.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Castellon et al** in view of **Haner** as applied to claim 3 above, and further in view of **Crabtree et al** [U.S. 6,788,199].

For claim 10, the system of Castellon uses bracelets that are made of a waterproof casing, which can be considered a type of "pouch". However, there is no mention of an adhesive to secure the casing to an object to be located.

The article locator system of Crabtree also uses a waterproof housing (No. 20) for a transmitter. One embodiment calls for the transceiver to be small enough so that it can easily be attached to different objects using a clip or even adhesive (Col. 9, Ln. 8). This provides evidence that adhesive has been used to attach waterproof transmitters to objects to secure them to tracked items. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include adhesive in the system of Castellon for the purpose of insuring attachment to the tracked item.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Castellon et al** in view of **Haner** as applied to claim 11 above, and further in view of **Cortopassi et al** [U.S. 6,831,568].

For claim 12, the system taught by the combination of references above include the claimed subject matter as discussed in the rejection of claim 11 above. However, there is no mention of a stylus and an entry screen for reading strokes of the stylus.

Using styluses for data entry is not new in the prior art of portable electronic devices. The visual silent alarm indicator taught by **Cortopassi** includes a portable

computer system that also uses a stylus (No. 80) for data entry. This reference is plain evidence that stylus' have been used for data entry. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a stylus in the combination of references above for the purpose of using a well-known and common input device.

7. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Castellon et al** in view of **Haner** as applied to claim 17 above, and further in view of **Crabtree et al** and **Giel et al**.

For claim 19, the assembly of Castellon uses bracelets that are made of a waterproof casing, which can be considered a type of "pouch". However, there is no mention of an adhesive to secure the casing to an object to be located.

The claim is interpreted and rejected for the same reasons and rationale as is mentioned in the rejection of claim 10 above. Another item not found in any reference is a removable cover to prevent striking of the display and screen.

The claim is interpreted and rejected for the same reasons and rationale as is mentioned in the rejection of claim 2 above.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Westrick et al [U.S. 6,114,957] locates movable objects and detects the failure of an object to visit a designated area.

Underwood [U.S. 6,278,370] provides for the location of a child that is lost.

Reisman et al [U.S. 6,853,304] monitors movements and activities of a person.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Tweel, Jr. whose telephone number is 571 272 2969. The examiner can normally be reached on M-F 10-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass can be reached on 571 272 2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAT
7/9/05

JOHN TWEEL
PRIMARY EXAMINER